

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

MARIA CAZORLA, MAGNOLIA PEREZ-
HERNANDEZ, IDALIA DOMINGO-
MALDONADO, ALMA ROXANA ROBLERO-
AGUILAR, IVONE CASTILLO-LOPEZ,
MARDOQUEO LOPEZ-LOPEZ, JOSE LUIS
CORDERO-TOLEDO, JOSE DOLORES RIVERA-ARANDA,
AND ERWIN CASTILLO-LOPEZ
PLAINTIFFS

vs. CIVIL ACTION NO. 3:10-CV-135-DPJ-FKB

KOCH FOODS OF MISSISSIPPI, LLC and
JESSIE ICKOM
DEFENDANTS

AND

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PLAINTIFF

vs. CIVIL ACTION NO. 3:11-CV-391 CWR-LRA

KOCH FOODS OF MISSISSIPPI, LLC
DEFENDANT

AGREED ORDER OF CONSOLIDATION AND ALLOWING INTERVENTION

Before the Court is the Stipulated Motion of Maria Cazorla, Alma Roxana Roblero-Aguilar, Magnolia Perez-Hernandez, Jose Luis Cordero-Toledo, and Erwin Castillo-Lopez (collectively, the "Plaintiffs"), Idalia Domingo-Maldonado, Ivone Castillo-Lopez, Mardoqueo Lopez-Lopez, Jose Delores Rivera-Aranda (collectively, the "Intervenor Plaintiffs"), Aracely Calderon-Cortez, Agustin Barragan-Davalos (collectively, the "Intervenors"), Defendant Koch Foods of Mississippi, LLC ("Koch Foods"), and the Equal Employment Opportunity Commission ("EEOC") to consolidate *Equal Employment Opportunity Commission v. Koch Foods of Mississippi, LLC*, Civil Action No. 3:11-cv-00391-CWR-LRA (the "EEOC Action")

with *Maria Cazorla, et al. v. Koch Foods of Mississippi, LLC*, Civil Action No.

3:10-cv-00135-DPJ-FKB (the "Cazorla Action") pursuant to Rule 42 of the Federal Rules of Civil Procedure and Local Uniform District Court Rule 42, to permit the Intervenor Plaintiffs and Intervenorors to intervene as parties in the EEOC Action, and to set a deadline for Koch Foods to file its responsive pleading in the Cazorla Action and the EEOC Action.

Pursuant to the Stipulated Motion, the Parties seek to (1) consolidate the EEOC Action with the previously filed Cazorla Action; (2) permit the Intervenor Plaintiffs and Intervenorors to intervene as parties in the EEOC Action, to assert claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII claims") and/or claims under 42 U.S.C. § 1981 ("Section 1981"); and (3) set a deadline for Koch Foods to file a responsive pleading in the Cazorla Action and the EEOC Action.

Additionally, as a condition to agreeing to the relief sought, Koch Foods seeks to reserve its right to seek a severance of claims, separate trials and/or bifurcation of issues for trial as appropriate at a later date. The Plaintiffs, Intervenor Plaintiffs, Intervenorors, and the EEOC have no objection to Koch Foods' reservation, but Plaintiffs, Intervenor Plaintiffs, Intervenorors and the EEOC may object to any such request or respond accordingly after any such request is made. Nothing in this order shall preclude additional aggrieved individuals, including Plaintiffs in the Cazorla Action not listed below, from moving to intervene in the consolidated lawsuit at a future date, subject to the court's approval after Koch Foods has the opportunity to respond to any such motions.

The Court, being fully advised in the premises and having been advised that the above-named parties agree to the requested relief, hereby finds that the Stipulated Motion jointly filed

by the Parties is well taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows:

1. *Equal Employment Opportunity Commission v. Koch Foods of Mississippi, LLC*, Civil Action No. 3:11-cv-00391-CWR-LRA is consolidated with *Maria Cazorla, et al. v. Koch Foods of Mississippi, LLC*, Civil Action No. 3:10-cv-00135-DPJ-FKB, pursuant to Rule 42 of the Federal Rules of Civil Procedure and Local Uniform District Court Rule 42. All pleadings shall be filed under Civil Action No. 3:10-cv-135-DPJ-FKB, and the Clerk is directed to combine the pleadings already filed in Civil Action No. 3:11-cv-00391-CWR-LRA with Civil Action No. 3:10-cv-135-DPJ-FKB.

2. Intervenor Plaintiffs Idalia Domingo-Maldonado, Ivone Castillo-Lopez, Mardoqueo Lopez-Lopez, and Jose Dolores Rivera-Aranda and Intervenor Aracely Calderon-Cortez, and Agustin Barragan-Davalos, all represented by counsel for Plaintiffs in the Cazorla Action, are permitted to intervene in the EEOC Action to assert Title VII claims by filing a complaint in intervention no later than thirty (30) days of the entry of this Order. In addition to asserting Title VII claims, Ms. Calderon-Cortez and Mr. Barragan-Davalos are also permitted to assert Section 1981 claims in the complaint in intervention. Koch Foods is entitled to respond and assert all available defenses to the claims asserted by the Intervenor Plaintiffs and Intervenor in the complaint in intervention within the time permitted by Rule 12 of the Federal Rules of Civil Procedure.

3. Within thirty (30) days of the entry of this Order, Koch Foods shall file its answer or other responsive pleading to the Second Amended Complaint filed in Civil Action No. 3:10-cv-135-DPJ-FKB and the Amended Complaint filed in Civil Action No.

3:11-cv-00391-CWR-LRA. All answers or other responsive pleadings are to be filed in Civil Action No. 3:10-cv-135-DPJ-FKB.

4. Koch Foods may seek a severance of claims, separate trials and/or bifurcation of issues for trial at a later date or as otherwise ordered by the Court, and the Plaintiffs, Intervenor Plaintiffs, Intervenor, and the EEOC may object and/or respond accordingly.

SO ORDERED, this the 5th day of December, 2011.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE

AGREED TO AND APPROVED:

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